

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

In re the Application of: DANIEL W. RODLIN) I hereby certify that this correspondence is being
Serial No.: 10/808,261) filed by EFS-Web on October 7, 2009.
Filed: 03/23/2004)) /Lawrence S. Cohen/
For: PRESHAPED) Lawrence S. Cohen
FORM)
Patent Examiner:)
Art Unit: 3635)
Confirmation No.: 4184)
)

RESPONSE TO REQUIREMENT FOR RESTRICTION

This is a response to the requirement for restriction dated March 17, 2008. A petition to revive is filed concurrently with this response. If any extension of time is required for this filing, such extension of time is requested. If any fee (other than the petition fee filed with the petition to revive) is needed for this filing such fee may be charged to deposit account no 50-1054.

The restriction requirement is traversed for the reasons set out below.

The Examiner required restriction to either claims 1-42, the article claims or claims 43-62, the method claims. Applicant elects the method claims, claims 43-60.

The Examiner has also identified several species based on selected ones of the drawings on the basis that they are independent or distinct because they are structurally different embodiments. The species designations are traversed. The conclusion that the figures show structurally different embodiments is not a sufficient basis for defining different species. See MPEP 806.06. Moreover there are generic claims as noted below.

Applicant elects the designated species of Fig. 21 with traverse. Claims 43 and 44 and 47 read on Fig. 21.

The Examiner's asserted basis for the species distinctions are simply recitations of the conclusory basis from the MPEP. But no explanation is given to support any of the bases.

For example, as to each of figs 21, 27, 28, 29, 30, 31, 32, 33, 35, 36, 38, and 40 there is shown a configuration of a relief form each of which is constructed from a corner aid or a similar specifically constructed part. Each relief form shown in the figures follows the general concept of using corner aids or equivalent shapes along with other parts to construct a relief form. For example in fig 27 a third piece 382 is added to the configuration of fig 21. The commonality of each relief form is apparent and no serious searching burden is present.

Also, figs 24 and 25 show how the relief form is made and how it is used to allow construction of the final trim structure. It is submitted that any additional searching for these would not meet the standard of added searching that justifies restriction.

In view of the foregoing, applicant submits that elected claims 43-60 comprehend the examiner's identified species, at least of Figs 21, 27-33, 35, 36, 38 and 40 because at least one component of each of them is a component made under one or more of claims 43-60

Claims 43 and 52 are generic to at least figs 21, 24, 25, 27, 28, 29 – 33. Figs 35, 36, 38 and 40 use special assemblies of the parts shown in the earlier figures.

The restriction is traversed because the Examiner has not met the burden of showing a serious searching burden for the species

Further, the burden on the applicant is enormous, because the future of this application based on the Examiner's position will be 17 divisional applications.

Since the PTO has asserted that excess continuations and divisional filings are messing up the PTO's ability to operate, it is incumbent on the PTO to reduce that effect by exercising restraint and care in designating species for restriction, rather than vastly multiplying them as in this case.

Reconsideration is requested

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Respectfully submitted,

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